

May-10-04 04:25pm From-HBSR

1-978-341-0242

T-741 P.02/07 F-046

#17

@PFDesktop\ ODMA/MHODMA/HBSR05.iManage;464921.1
HEW/saj
May 10, 2004

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

MAY 10 2004

Applicant: Sean A. McCarthy
Application No.: 08/842,898 (ABANDONED) Group: 1646
Filed: April 17, 1997 Examiner: D. Romeo
For: NOVEL CRSP-1 COMPOSITIONS AND THERAPEUTIC AND
DIAGNOSTIC USES THEREFOR

OFFICIAL

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on	
<u>5-10-04</u>	<u>Sandra Jarmil</u>
Date	Signature
<u>Sandra Jarmil</u>	
Typed or printed name of person signing certificate	

RENEWED PETITION UNDER 37 C.F.R. § 1.182 AND

REQUEST FOR RECONSIDERATION

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: E. Shirene Willis

Sir.

This Renewed Petition Under 37 C.F.R. § 1.182 and Request for Reconsideration is being filed in response to the Decision on Petition Under 37 C.F.R. § 1.182 mailed from the Patent Office on March 12, 2004. The Decision on Petition dismissed the "Petition under 37 C.F.R. § 1.182 or § 1.183 Requesting Entry of Amendment" filed on February 27, 2004, which requested entry of an Amendment. Transmitted herewith for filing in the referenced application is a Substitute Amendment. Reconsideration of the decision to dismiss the original Petition is requested, and renewal of the Petition is sought, in view of the filing of the Substitute Amendment.

RECEIVED

MAY 14 2004

OFFICE OF PETITIONS

08/842,898

-2-

A "Petition under 37 C.F.R. § 1.182 or § 1.183 Requesting Entry of Amendment" and Amendment were filed on February 27, 2004, together with a check in the amount of \$130.00 in payment of the petition fee under 37 C.F.R. § 1.17(h). The Petition filed on February 27, 2004 was dismissed. Although the subject application as filed contained a statement of incorporation by reference, the Patent Office found that amendment of the Related Applications paragraph to insert an Application Number raised a question of new matter. Accordingly, as stated in the Decision on Petition, "before the petition under 37 CFR 1.182 can be granted, a substitute amendment deleting the incorporation by reference statement is required."

The Substitute Amendment being filed concurrently directs amendment of the Related Applications paragraph of the subject application to contain the application number of the priority application, as required by former 35 U.S.C. § 120 and former 37 C.F.R. § 1.78(a)(2), which are applicable to the subject application. In addition, the Substitute Amendment directs amendment of the Related Applications paragraph to delete the incorporation by reference statement, which was present in the application as filed.

In this Renewed Petition, entry of the Substitute Amendment is respectfully requested in order to perfect the priority claim of the subject application, and to permit Applicants to claim priority in pending U.S. Patent Application No. 09/972,473 through the subject application. This Renewed Petition should be granted for the reasons stated in the original "Petition under 37 C.F.R. § 1.182 or § 1.183 Requesting Entry of Amendment" filed on February 27, 2004. The Patent Office is also requested to issue a Correct Filing Receipt showing the priority data as claimed by Applicant.

The undersigned understands that the correspondence address for this case is unchanged, and that future correspondence will be mailed to the address of record.

08/842,898

-3-

Authorization is hereby granted to charge any fees that may be due in this matter, including any fees under 37 C.F.R. § 1.17(h), to Deposit Account No. 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Helen E. Wendler
Helen E. Wendler
Registration No. 37,964
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated:

May 10, 2004